

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**HAROLD HINGOS,**

**Plaintiff,**

**v.**

**INTERNATIONAL ALLIANCE OF THEATRICAL  
STAGE EMPLOYEES, MOVING PICTURES  
TECHNICIANS, ARTISTS, AND ALLIED CRAFTS  
OF THE UNITED STATES, ITS TERRITORIES, AND)  
CANADA, AFL-CIO, CLC (IATSE), IATSE  
LOCAL #54, and WILLIAM CARROLL, in his  
Official Capacity as Business Agent for Local 54,  
  
Defendants.**

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**DEFENDANT IATSE  
ANSWER WITH  
AFFIRMATIVE  
DEFENSES**

**Civil Action No.  
3:04-CV-1178**

Defendant International Alliance of Theatrical Stage Employees, Moving Pictures Technicians, Artists, and Allied Crafts of the United States, its Territories, and Canada, AFL-CIO, CLC (“IATSE”), by and through its undersigned attorneys, answers plaintiff’s amended complaint (“Complaint”) and states as follows:

1. Defendant IATSE **DENIES** knowledge or information sufficient to form a belief as to the allegations contained in Complaint paragraph “1”.
2. Defendant IATSE upon information and belief **ADMITS** the allegations contained in Complaint paragraph “2”.
3. Defendant IATSE upon information and belief **ADMITS** the allegations contained in Complaint paragraph “3”.
4. Defendant IATSE **DENIES** knowledge or information sufficient to form a belief as to the allegations contained in Complaint paragraph “4”.
5. Defendant IATSE **DENIES** the allegations contained in Complaint paragraph “5”.

6. Defendant IATSE **DENIES** the allegations contained in Complaint paragraph “6”.
7. Defendant IATSE **DENIES** having knowledge or information sufficient to form a belief as to the allegations contained in Complaint paragraph “7”.
8. Defendant IATSE **DENIES** having knowledge or information sufficient to form a belief as to the allegations contained in Complaint paragraph “8”.
9. Defendant IATSE **ADMITS** such part of Complaint paragraph “9” as alleges Plaintiff was a stage hand and carpenter and **DENIES** knowledge and information sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “9”.
10. Defendant IATSE **DENIES** having knowledge or information sufficient to form a belief as to the allegations contained in Complaint paragraph “10”.
11. Defendant IATSE **DENIES** having knowledge or information sufficient to form a belief as to the allegations contained in Complaint paragraph “11”.
12. Defendant IATSE **DENIES** having knowledge or information sufficient to form a belief as to the allegations contained in Complaint paragraph “12”.
13. Defendant IATSE **DENIES** having knowledge or information sufficient to form a belief as to the allegations contained in Complaint paragraph “13”.
14. Defendant IATSE **DENIES** having knowledge or information sufficient to form a belief as to the allegations contained in Complaint paragraph “14”.
15. Defendant IATSE **DENIES** each and every allegation contained in Complaint paragraph “15”.
16. Defendant IATSE **DENIES** all the allegations directed at IATSE and **DENIES** having knowledge or information sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “16”.

17. Defendant IATSE **DENIES** that Defendant William Carroll is an agent of IATSE and **DENIES** having information and knowledge sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “17”.

18. Defendant IATSE **DENIES** all the allegations directed at IATSE and **DENIES** having knowledge or information sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “18”.

19. Defendant IATSE **DENIES** all the allegations directed at IATSE and **DENIES** having knowledge or information sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “19”.

20. Defendant IATSE **DENIES** all the allegations directed at IATSE and **DENIES** having knowledge or information sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “20”.

21. Defendant IATSE **DENIES** all the allegations directed at IATSE and **DENIES** having knowledge or information sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “21”.

22. Defendant IATSE **DENIES** all the allegations directed at IATSE and **DENIES** having knowledge or information sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “22”.

23. Defendant IATSE **DENIES** each and every allegation contained in Complaint paragraph “23”.

24. Defendant IATSE **DENIES** having knowledge or information sufficient to form a belief as to the allegations contained in Complaint paragraph “24”.

25. Defendant IATSE **DENIES** all the allegations directed at IATSE and **DENIES** having knowledge or information sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “25”.

26. Defendant IATSE **DENIES** having knowledge or information sufficient to form a belief as to the allegations contained in Complaint paragraph “26”.

27. Defendant IATSE **DENIES** having knowledge or information sufficient to form a belief as to the allegations contained in Complaint paragraph “27”.

28. Defendant IATSE **DENIES** all the allegations directed at IATSE and **DENIES** having knowledge or information sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “28”.

29. Defendant IATSE **DENIES** all the allegations directed at IATSE and **DENIES** having knowledge or information sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “29”.

30. Defendant IATSE **DENIES** each and every allegation contained in Complaint paragraph “30”.

31. Defendant IATSE **DENIES** the allegations contained in Complaint paragraph “31”.

32. Defendant IATSE **DENIES** the allegations contained in Complaint paragraph “32”.

33. Defendant IATSE **DENIES** each and every allegation contained in Complaint paragraph “33”.

34. Defendant IATSE **ADMITS** that labor organizations, including IATSE, have various legal and contractual duties towards people they represent, including Plaintiff, and **DENIES** having knowledge or information sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “34”.

35. With respect to the allegations set forth in paragraph “35” of the Complaint, Defendant IATSE respectfully refers the Court to the Bill of Rights contained in the Labor Management Reporting and Disclosure Act, (29 U.S.C. 411) for its legal meaning and effect and **DENIES** having knowledge or information sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “35”.

36. With respect to the allegations set forth in paragraph “36” of the Complaint, Defendant IATSE respectfully refers the Court to the Bill of Rights contained in the Labor Management Reporting and Disclosure Act, (29 U.S.C. 411) for its legal meaning and effect and **DENIES** having knowledge or information sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “36”.

37. Defendant IATSE **DENIES** having knowledge or information sufficient to form a belief as to the allegations contained in Complaint paragraph “37”.

38. Defendant IATSE **ADMITS** that labor organizations, including IATSE, have various legal and contractual duties towards the people they represent, including Plaintiff, and **DENIES** having knowledge or information sufficient to form a belief as to the remaining allegations contained in Complaint paragraph “38”.

39. Defendant IATSE **DENIES** the allegations contained in Complaint paragraph “39”.

40. Defendant IATSE **DENIES** each and every allegation contained in the Complaint not heretofore specifically admitted, denied, or otherwise controverted.

#### **FIRST AFFIRMATIVE DEFENSE**

41. Plaintiff’s Complaint fails to state a cause of action against IATSE upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

42. This Court lacks subject matter jurisdiction for the claims alleged against IATSE.

**THIRD AFFIRMATIVE DEFENSE**

43. The Court lacks personal jurisdiction over IATSE.

**FOURTH AFFIRMATIVE DEFENSE**

44. Some or all of Plaintiff's claims are barred because he failed to exhaust available administrative remedies.

**FIFTH AFFIRMATIVE DEFENSE**

45. Some or all of Plaintiff's claims are barred by the applicable statutes of limitations.

**SIXTH AFFIRMATIVE DEFENSE**

46. Some or all of Plaintiff's claims are barred by the doctrine of the duty of fair representation.

**SEVENTH AFFIRMATIVE DEFENSE**

47. Some or all of Plaintiff's claims are barred by his failure to obtain a right to sue notice as required by ADEA (29 U.S.C. §626).

**EIGHTH AFFIRMATIVE DEFENSE**

48. Some or all of Plaintiff's claims are barred by the doctrine of Garmon preemption.

**WHEREFORE**, Defendant IATSE demands judgment dismissing the Complaint and granting such other and further relief as the Court deems appropriate.

Dated: December 29, 2004  
Syracuse, New York

BLITMAN & KING LLP

By:                     /s/                      
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jas/sam/IATSE/Pleadings/Answer